

House Bill 891

By: Representatives Oliver of the 83rd, Porter of the 143rd, Ashe of the 56th, Benfield of the 85th, Drenner of the 86th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 4 of Chapter 5 of Title 21 and Title 45 of the Official Code of Georgia Annotated, relating to public officials conduct and lobbyist disclosure and public officers and employees, respectively, so as to revise provisions regarding gifts; to provide for definitions; to create provisions limiting presents from lobbyists to public officers and others under certain circumstances; to change certain provisions relating to gifts to employees by vendors; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 4 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to public officials conduct and lobbyist disclosure, is amended by adding a new Code section to read as follows:

"21-5-77.

(a) As used in this Code section, the term 'gift' means anything of value including, but not limited to, food, beverages, lodging, travel, transportation, personal services, gratuities, subscriptions, memberships, trips, loans, extensions of credit, forgiveness of debts, or advances or deposits of money. The term shall not include a bona fide loan made by a state or federally chartered financial institution or a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation if such loan is made in the normal course of business with the expectation on the part of all parties that such loan shall be repaid and such loan is based on the creditworthiness of the borrower and the borrower is personally liable for the repayment of the loan. The term shall not include those items identified in division (1)(E)(vii) of Code Section 21-5-70. For purposes of this subsection, reimbursement or payment of actual and reasonable expenses for food, beverages, travel, transportation, lodging, and registration for a meeting which is provided to a public officer or employee to permit such public officer's or public employee's participation in a panel

or speaking engagement at the meeting shall not be considered a gift. Each gift shall be valued per occurrence. Where a gift is reported as an apportioned share or fraction of a total, such as for group lodging or a group meal, then that apportionment shall be noted on the report for that gift.

(b) Neither a lobbyist nor any person on whose behalf a lobbyist is registered shall make any gift to any public officer or employee or to any person on such public officer's or public employee's staff or to the public officer's or public employee's family which exceeds \$25.00, nor shall any such person accept a gift which exceeds \$25.00 from a lobbyist or from any person on whose behalf a lobbyist is registered during any calendar year. If a gift is accepted, it shall be returned or reimbursed to the donor. Where appropriate for purposes of tradition, ceremony, or intergovernmental relations, or when acting as a representative of a department, board, bureau, agency, commission, or authority, a public officer or public employee may accept a gift on behalf of such department, board, bureau, agency, commission, or authority. If the gift retains value after its acceptance, the public officer or public employee shall maintain custody of the gift no longer than reasonably necessary to arrange for the transfer of custody of the gift to the public officer's or public employee's department, board, bureau, agency, commission, or authority or to a charitable organization on behalf of such department, board, bureau, agency, commission, or authority."

SECTION 2.

Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, is amended by revising subsection (b) of Code Section 45-1-6, relating to gifts to employees by vendors, disclosure, and reports, as follows:

"(b) Any vendor who, either directly or through another person, makes a gift ~~or gifts to one or more public employees~~ a public employee exceeding ~~in the aggregate \$250.00~~ \$25.00 in value during any calendar year shall file a disclosure report with the commission in the form specified by the commission listing the amount and date of receipt, the name and mailing address of any vendor making the gift, and the name, address, and position of each public employee receiving such a gift; provided, however, that such prohibition shall not include those items identified in division (1)(E)(vii) of Code Section 21-5-70."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.